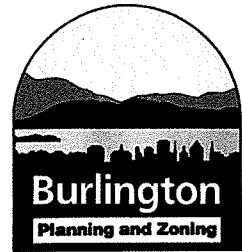


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *moniel*
Date: November 5, 2014
RE: ZP15-1480CU; 294-296 North Winooski Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP15-0480CU

Location: 294-296 North Winooski Avenue

Zone: NMU **Ward:** 2

Date application accepted: October 9, 2014

Applicant/ Owner: North End Studios (Ben Bergstein) / Irene C. Hinsdale

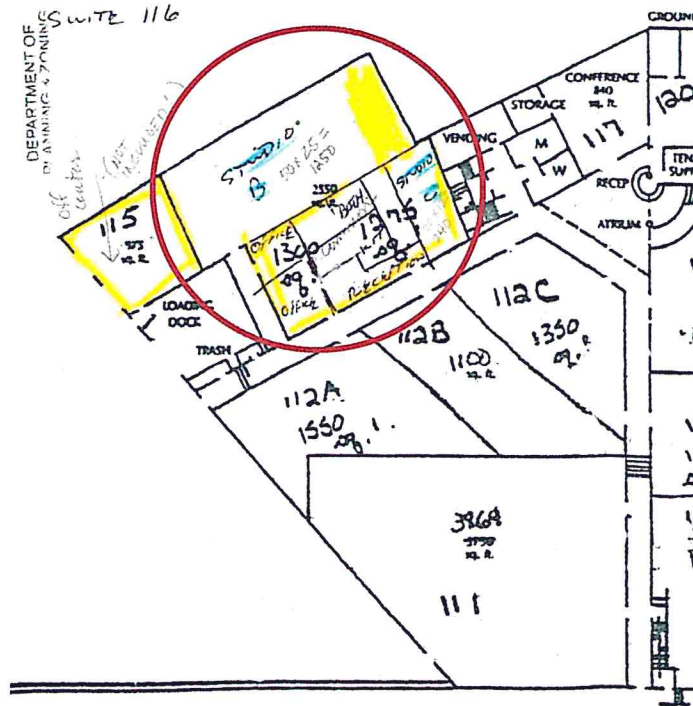
Request: Conditional Use review for performing arts studio. (This is not the Performing Arts Center permitted for Area 115 on the floor plan; however the uses are inter-related.)

Background:

- Zoning Permit 10-0534CU; Conditional Use review to change from warehouse to performing arts theatre (Studio 115 on floor plan); approved January 2010.
- Zoning Permit 09-805CA; change of use of 1080sf to place of worship. May 2009.
- Zoning Permit; parallel sign for Vermont Workers Center. December 2007.
- Zoning Permit 08-337CA; restaurant with seven indoor tables with 4 seats each for a total of 28 seats and take out services. October 2007.
- Zoning Permit 06-606SN; parallel sign for Beatbox music store. April 2006.
- Zoning Permit 02-029 / COA 086-131; establish office use with accessory classroom component. July 2001.
- Zoning Permit 99-266; parallel sign for video rental store. November 1998.
- Zoning Permit 99-237/COA 086-131A; change use from office to video rental. October 1998.
- Zoning Permit 98-050; change use from restaurant to office. August 1997.
- Non-Applicability of Zoning Permit Requirements, to continue utilizing 14,085 sf gross floor area for a restaurant/deli to include 24 seats. February 1996.
- Zoning Permit 96-2325; parallel sign for restaurant/deli. February 1996.
- Zoning Permit 93-217; establish video rental use accessory to Laundromat use. November 1992.
- Zoning Permit 92-133; construct handicap access ramp to restaurant/deli. October 1991.

- Zoning permit 92-106: install front awning and parallel sign; September 1991.
- Zoning Permit 91-017; approval for parallel sign for Champlain Drug and Alcohol Services; July 1991.
- Zoning Permit 90-114; establish day care, max. 50 children, 10 staff. April 1990.
- Non-Applicability of Zoning Permit Requirements; expand Champlain Drug and Alcohol Tourist Home use as approved by ZBA. March 1990.
- Zoning Permit 90-024; install exhaust fan on roof. January 1990.
- Zoning Permit 89-463; install new double entry door on North Winooski side of building; enlarge existing window on Archibald side of building. September 1989.
- Non-Applicability of Zoning Permit Requirements; interior fit-up for Tourist Home. June 1989.
- Zoning Permit 89-361; amend uses for commercial building to allow "Tourist Home". May 1989.
- Burlington Zoning Board of Adjustment; interpretation of uses for existing permit COA 86-131 to facilitate use per submitted description (Temporary occupancy for lodging or more than four individuals.) Referred by Zoning Administrator of Interpretation. Heard by BZBA April 1989. *The use as described is found to specifically meet the definition of a tourist home offered by the zoning ordinance and thereby the use as described is a permitted use in the GC zone.* FOF decision signed July 1989.
- Zoning Permit 87-269 / COA 86-131A; amend permit for renovation of building to incubator space. Exterior treatment to be stucco and corrugated metal over insulation rather than paint. May 1987.
- Zoning Permit 86-405 / COA 86-131; renovate existing building; new exterior windows, 4 new pedestrian entrances, landscaping, redefining parking area for use as commercial, office, light manufacturing and warehouse incubator space. August 1986.
- Zoning Permit 82-069; use existing vacant building for wholesale hardware business. No additional lot coverage and no exterior modifications. March 1983.
- Zoning Permit 82-532; erect plywood projecting sign. December 1982.
- Zoning Permit 82-451; convert portion of structure to office use. Approved September 1982.
- Zoning Permit 82-234; establish storage space, install a stairway. May 1982.
- Zoning Permit 82-209; change pitch of roof; construct 4/12 pitch over existing flat roof. May 1982.
- Zoning Permit 79-612; open grocery store in vacated section of Fassett's Bakery building, converting an existing commercial use to another commercial use. October 1979.
- Request under Interim Zoning to erect a 12' x 30' addition on the south side of the Fassett's Bakery building within 7' of the front property line. August, 1975. Application withdrawn.
- ZBA review, install a 5,000 gallon gas tank and pump. Approved July 1971
- BFA review, erect two bulk flour storage tanks to be completely enclosed in a steel building on the premises. Approved March 1968.
- ZBA review; seeking permission to demolish existing building at 286-288 North Winooski Avenue and to erect in the rear of the property a loading station approximately 65' x 100' to accommodate 10 trucks. Approved October, 1964.

Overview: “Studio B” performing arts studio evolved from the 2010 approval of the performing arts *theatre* (Suite 115), and has occupied what was identified as Suite 116 on the floor plan. The applicant was not aware that zoning approval was required after the 2010 approval, believing the performance training area was associated with the theatre. North End Studios have actively occupied the space for three years, and now request to extend the performing arts *studio* use, enlarging Studio B space, adding another classroom (Studio C) and availing themselves of common bathrooms, lobby and kitchen space. This request is to both acknowledge the studio use, and to allow expansion into the larger area for additional classroom/studio use as well as access to those common areas.



Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 3, Impact Fees

Although a change-of-use might typically spur assessment of Impact Fees, “Offices” and “Other” are both within the same category for assessment, so no fee will be required. **Not applicable.**

Part 5, Conditional Use and Major Impact Review

1. The capacity of existing or planned community facilities

The proposed expansion in performing arts studio space will generate little impact on community facilities. The kitchen/bathroom area is an existing amenity for the combined uses that is presently accommodated with water and sewer service. No new demands are anticipated. **Affirmative finding.**

2. The character of the area affected:

294-296 North Winooski Avenue is within the Neighborhood Mixed Use (NMU) zoning district. The building has a mix of uses; this use and expansion are accommodated by the departure of an office use. The proposed change in use includes no exterior changes to the building or site. The performing arts use has been in practice for three years (although unpermitted); however no change in character of the area is anticipated. **Affirmative finding.**

3. Traffic on roads and highways in the vicinity;

As reported by the applicant: *Compared to the tenant who occupied the space before us, we expect a net loss of approximately 6 parking spaces during weekday/daytime hours, since our staff is already using the parking lot during these hours. ... There will be a small amount of traffic arriving by foot or bicycle.* **Affirmative finding.**

4. Bylaws then in effect;

As conditioned, a performing arts studio complies with applicable zoning bylaws. The applicant is responsible for securing all required building permits for the expansion. **Affirmative finding as conditioned.**

5. Utilization of renewable energy resources;

Nothing within the application alludes to the use of alternative energy resources. As proposed, there is no obstruction to the potential use of wind, water, geothermal, solar, or other alternative energies. **Affirmative finding.**

6. Cumulative impacts of the proposed use;

An acknowledgment and expansion of a performing arts studio will have little impact on this or surrounding sites. Overall, the availability of space for such use will be a logical companion to the permitted performing arts theatre, providing a positive enhancement to the neighborhood and overall community. **Affirmative finding.**

7. Functional Family;

Not applicable.

8. Vehicular access points;

No changes to the exterior structure or parking area are proposed. There is an existing driveway access onto the North Winooski Avenue parcel. The vehicular access points shall remain as existing. **Affirmative finding.**

9. Signs;

Any signage will require a separate sign permit. **Affirmative finding as conditioned.**

10. Mitigation measures;

There are no identified impacts that would require mitigation. **Affirmative finding.**

11. Time limits for construction;

Alteration will be entirely internal; the applicant anticipates a 90 day window in which to complete. Given the limited period of expected construction, and its focus boundary to be internal to the structure, no adverse impacts are anticipated to neighboring properties.

Affirmative finding.

12. Hours of operation and construction;

The space is proposed to be used 7 days a week, both daytime and evening; however peak use is anticipated after 3:00 pm on weekdays as well as weekend mornings and evenings. Within the NMU zoning district, this activity is anticipated and should not introduce any anomaly.

As noted, construction is anticipated to be complete within 90 days of commencement.

Affirmative finding.

13. Future enlargement or alterations;

Any future alterations or expansion of the performing arts studio will require permit review per the regulations in effect at that time. **Affirmative finding as conditioned.**

14. Performance standards;

No exterior or changes are proposed. The use, while unknowingly unpermitted, has been in effect for the past three years. As defined in the application materials, review under nuisance regulations or similar performance standards does not seem warranted. **Affirmative finding.**

15. Conditions and safeguards;

This is entirely at the discretion of the DRB; however as conditionally reviewed, acknowledging three year existence without issue and now proposed for modest expansion, additional conditions and safeguards do not appear necessary. **Affirmative finding.**

Article 8: Parking

Section 8.1.8, Minimum Off-Street Parking Requirements

The existing performing arts studio (not to be confused with the Performing Arts *center*, located in the area defined within Suite 115 on the floor plan) is within the Shared Use parking district.

There is no required minimum parking for Performing Arts Studio use, per Table 8.1.8-1.

The lessor has, however, identified 12 parking spaces available for this tenant. **Affirmative finding.**

II. Conditions of Approval

1. The applicant is responsible for securing all required building permits for the expansion.
2. Any future alterations or expansion of the performing arts studio will require permit review per the regulations in effect at that time.
3. Standard Permit conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

RECEIVED

OCT 08 2014

DEPARTMENT OF
PLANNING & ZONING

Date: October 7, 2014
To: Department of Planning and Zoning
From: Vermont Performing Arts League, 294 N. Winooski Ave., Burlington, VT
Re: Conditional Use Permit, 294 N. Winooski Ave. Suite 116B

Description of proposed use: The use of this space will be an extension of our current usage in Suite 116A, adding an additional lobby space and classroom/meeting space.

Days and hours of operation: The space may be used 7 days a week, both daytime or evening; however, peak use is after 3 p.m. on weekdays, and weekend mornings and evenings.

Number of employees: The same staff (3 persons) that run our facility now will assume the operation of the additional space. No additional staffing will be needed.

Traffic generation and parking analysis: Compared to the tenant who occupied the space before us, we expect a net loss of approximately 6 spaces during weekday/daytime hours, since our staff is already using the parking lot during these hours. From 5 to 8 p.m. on weekdays, one of our peak times, there may be a need for 4-10 additional spaces. On Friday and Saturday evenings upon occasion there may be need for 6-12 additional spaces, but not on a regular basis. There will be a small amount of traffic arriving by foot or bicycle.

Floor plan: See attached.

Phasing schedule: The limited amount of construction needed to convert the existing space to its proposed configuration will take place in approximately 90 days from receipt of necessary permits.

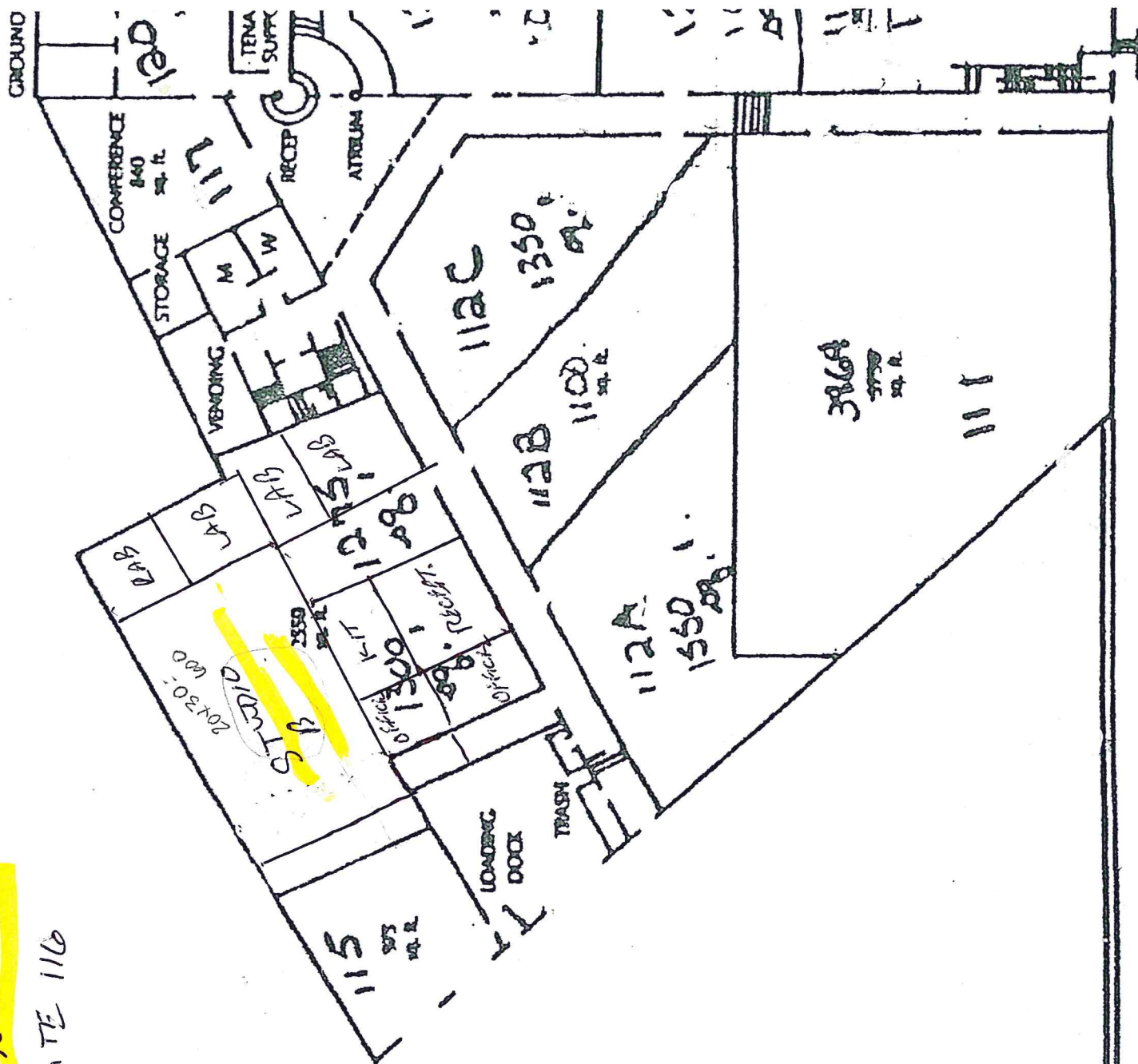
Information and narrative: N/A. Having looked at your website, section 3.5.6(b) seems to refer to Major Impact Review applications only. Please send specific criteria to address if this assumption is incorrect.

If any further information is required, please contact April Werner, Executive Director, Vermont Performing Arts League/DBA North End Studios, april@vpal-us.org or 802-863-6713.

OCT 08 2014

DEPARTMENT OF
PLANNING & ZONING

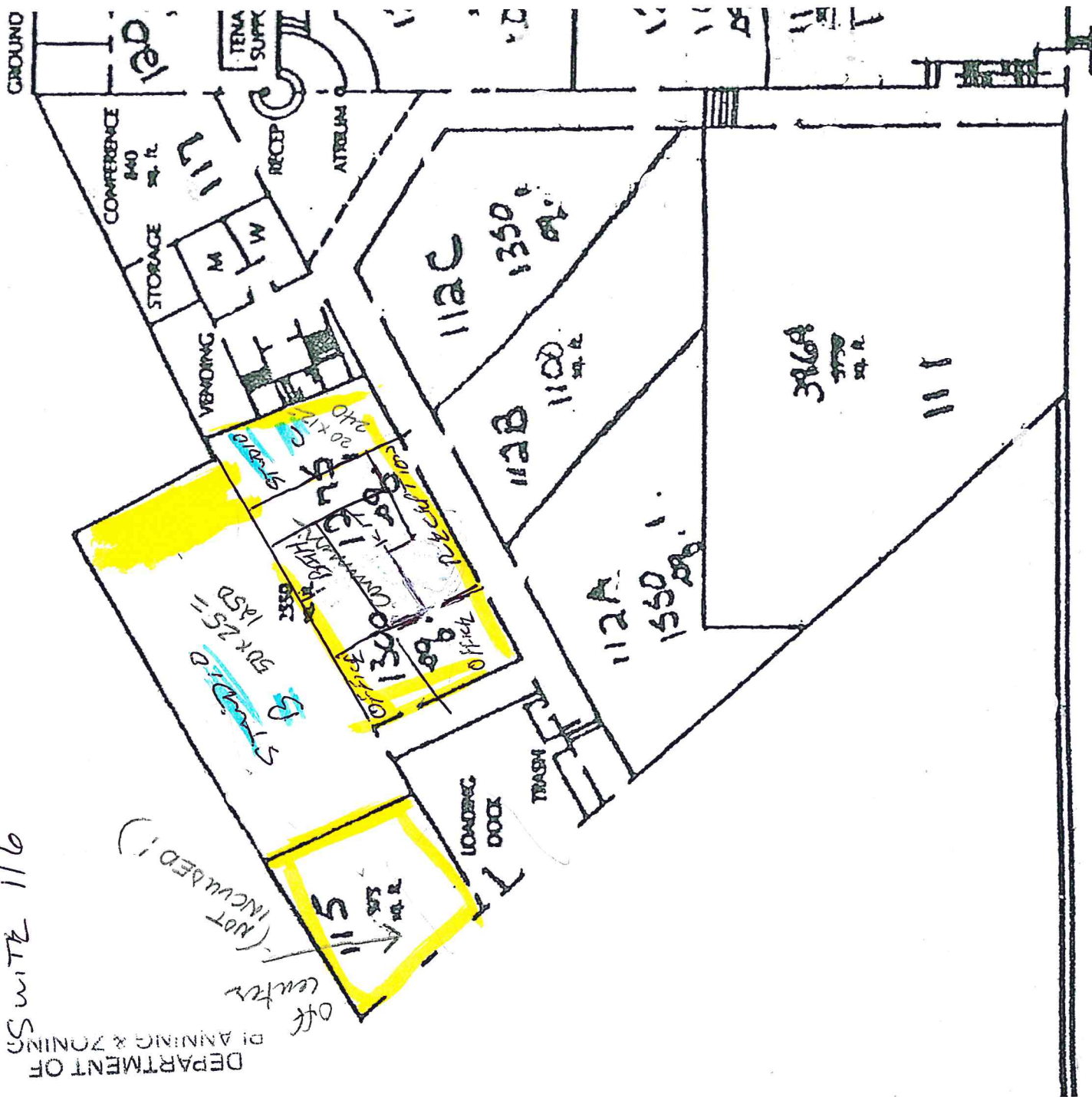
EXISTING
SWT# 116



UCI 08 2014

DEPARTMENT OF
PLANNING & ZONING

Case



RECEIVED

OCT 08 2014

DEPARTMENT OF
PLANNING & ZONING

294 North Windsor Avenue

* 12 parking spaces avail wed. evening +
Sunday day klumie

LONG-TERM UNDEVELOPED LAND WITH
POTENTIAL FOR FUTURE DEVELOPMENT

FRANK GUILLOT Architects, Ltd.
234 South Union St., Burlington, VT 05401

INTERIM SITE PLAN 1"=20'-0"
FINAL SITE PLAN AS PREVIOUSLY APPROVED
(DRAWING DATED 25 OCT 99 & ATTACHED)



Hide Street

PLAY
AREA

